

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MAUREEN GARCIA,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO:
	:	
v.	:	
	:	
FERRELL D. JAMES and ABF	:	JURY TRIAL DEMANDED
FREIGHT SYSTEM, INC., et al.,	:	
	:	
Defendants	:	

NOTICE OF REMOVAL OF ACTION

Defendants, Ferrell D. James and ABF Freight System, Inc., by and through their attorneys, Salmon Ricchezza Singer & Turchi, LLP, respectfully aver as follows:

1. Plaintiff commenced a civil action against defendants in the Superior Court of New Jersey for Middlesex County, on November 7, 2017, as a result of a November 19, 2015 motor vehicle accident. A copy of plaintiff's Complaint is attached hereto as Exhibit "A."
2. The Complaint, being the original process in this case, was first served on defendant, ABF Freight System, Inc., no earlier than November 7, 2017.
3. Upon information and belief, defendant, Ferrell D. James, has not yet been served with the Summons and Complaint to date.
4. Pursuant to 28 U.S.C. §1446(b), a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or *other paper* from which it may first be ascertained that the case is one which is or has become removable.
5. Accordingly, this Notice of Removal was filed within the time frame set forth in 28 U.S.C. §1446(b).

6. In the Complaint, plaintiff alleged she was injured in a motor vehicle accident, while a passenger in a motor vehicle traveling on Interstate 78 in the Borough of Somerville, Somerset County, New Jersey. See Exhibit “A.”

7. In the Complaint, plaintiff alleged “as a direct and proximate result of the foregoing, the Plaintiff, Maureen Garcia, was caused to sustain serious and permanent injuries, as more particularly defined and set forth in N.J.S.A. 39:6A-8(a) and has suffered great pain, shock, mental anguish and was, and still is, incapacitated and will be permanently disabled, and has in the past and will in the future be caused to expend substantial sums of money for medical treatment.” See Exhibit “A” at ¶5.

8. Based upon a fair reading of the Complaint, plaintiff has set forth a claim in which an amount in excess of the jurisdictional limit of \$75,000, exclusive of interest and costs, may be at stake.

9. At all times material hereto, plaintiff was and is a resident and citizen of the State of New Jersey, and she resides in Edison, New Jersey. See Exhibit “A.”

10. At all times material hereto, defendant, ABF Freight System, Inc., was an Arkansas corporation with its principal place of business located in Fort Smith, Arkansas.

11. At all times material hereto, defendant, Ferrell D. James, was a resident and citizen of the Commonwealth of Pennsylvania.

12. Diversity of citizenship within the meaning of 28 U.S.C. §1332, exists between plaintiff and defendants since:

- a) Plaintiff is a resident and citizen of the State of New Jersey; and
- b) Defendants are citizens of states other than New Jersey.

13. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice, such that defendants are entitled to removal pursuant to 28 U.S.C. §1441, as amended, and 28 U.S.C. §1446.

14. The undersigned also represents Ferrell D. James and he consents to this removal.

WHEREFORE, defendants, ABF Freight System, Inc. and Ferrell D. James, request that the above action now pending against them in the Superior Court of New Jersey for Middlesex County, be removed therefrom to this Honorable Court.

Respectfully submitted,

SALMON, RICCHEZZA, SINGER & TURCHI, LLP

/s/ Robyn D. Kazatsky

By: _____

Jon Michael Dumont
Robyn D. Kazatsky
Attorneys for Defendants
Tower Commons
123 Egg Harbor Road, Suite 406
Sewell, New Jersey 08080
(T): 856-354-8074
(F): 856-354-8075
jdumont@srstlaw.com
rkazatsky@srstlaw.com

Dated: November 30, 2017

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within-captioned Notice of Removal of Action was served via first-class mail, postage prepaid, on counsel for plaintiff addressed as follows:

Brandon J. Broderick, Esquire
Brandon J. Broderick, LLC
90 Main Street, Suite 201
Hackensack, NJ 07601
Attorney for Plaintiff

SALMON RICCHEZZA SINGER & TURCHI, LLP

/s/ Robyn D. Kazatsky

Robyn D. Kazatsky

Dated: November 30, 2017

EXHIBIT “A”

BRANDON J. BRODERICK, LLC
90 Main Street, Suite 201
Hackensack, New Jersey 07601
Attorney for Plaintiff(s)
Telephone No.: (201) 853-1505
Fax No.: (201) 489-0878

ABF
Ferrell
JS

RECEIVED

NOV 7 2017

LEGAL DEPT.

MAUREEN GARCIA,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO.: MID-L-6463-17

Civil Action

SUMMONS

Plaintiff(s)

vs.

FERRELL D. JAMES, ABF FREIGHT
SYSTEM INC., et als

Defendant(s)

From the State of New Jersey, To the Defendant(s) Named Above:

ABF FREIGHT SYSTEM INC.

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the clerk of the Superior Court, Middlesex County, 56 Paterson Street in New Brunswick, New Jersey 08903. A filing fee* payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

/s/ Michelle M. Smith
Michelle M. Smith, Clerk
Superior Court of New Jersey

Dated: November 2, 2017

BRANDON J. BRODERICK, ESQ
ATTORNEY I.D.# 009462006
BRANDON J. BRODERICK, LLC
90 Main Street, Suite 201
Hackensack, New Jersey 07601
Attorney for Plaintiff(s)
201-853-1505

MAUREEN GARCIA,

Plaintiff(s),

vs.

FERRELL D. JAMES, ABF FREIGHT
SYSTEM INC., JOHN DOE 1-10
(fictitiously named),
and ABC Co. 1-10 (fictitiously
named)

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO. MID-L-

CIVIL ACTION

**COMPLAINT
and
JURY DEMAND**

The Plaintiff, Maureen Garcia, residing at 212 College Drive,
in the Township of Edison, Middlesex County, New Jersey, by way of
Complaint against the Defendants, says:

FIRST COUNT

1. On or about the 19th day of November 2015, the Plaintiff,
Maureen Garcia, was injured in a motor vehicle accident, while a
passenger in a motor vehicle traveling on Interstate 78 in the
Borough of Somerville, Somerset County, New Jersey.

2. At the above time and place, the Defendant, Ferrell D. James, residing at 753 Airport Road, in the Borough of Mercer, Mercer County, Pennsylvania, was operating a motor vehicle with the permission and consent, expressed or implied or in capacity as agent, servant or employee of the owner Defendant, ABF Freight System Inc, with an address of 3801 Old Greenwood Road, in the City of Fort Smith, Sebastian County, Arkansas, traveling on Interstate 78 in the Borough of Somerville, Somerset County, New Jersey.

3. At the above time and place, the Defendants so carelessly, negligently and recklessly operated, maintained and/or repaired said vehicle so as to cause a collision with the vehicle in which Plaintiff was a passenger.

4. At the same time and place, the Defendants, John Doe 1-10 (fictitiously named) and ABC Co. 1-10 (fictitiously named), their agents or assigns so carelessly, negligently and recklessly operated, maintained and/or repaired said vehicle so as to cause the within collision.

5. As a direct and proximate result of the foregoing, the Plaintiff, Maureen Garcia, was caused to sustain serious and permanent injuries, as more particularly defined and set forth in N.J.S.A. 39:6A-8(a) and has suffered great pain, shock, and mental anguish and was, and still is, incapacitated and will be permanently disabled, and has in the past and will in the future be caused to expend substantial sums of money for medical treatment.

WHEREFORE, the Plaintiff, Maureen Garcia, demands judgment for damages against the Defendants, jointly and severally, together with interest and costs of suit.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of R.4:25-4, the Court is advised that Brandon J. Broderick, is hereby designated as trial counsel.

JURY DEMAND


Plaintiff hereby demands a Trial by jury as to all issues herein.

Civil Case Information Statement

CERTIFICATION PURSUANT TO RULE 4:5-1

Pursuant to Rule 4:5-1, the undersigned certifies that the matter in controversy is not the subject of any other action in any Court or of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated.

BRANDON J. BRODERICK, LLC


Brandon J. Broderick, Esq.
Attorney for Plaintiff

Dated: October 23, 2017

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant expedited management or accelerated disposition:

Do you or your client need any disability accommodation? NO
If yes, please identify the requested accommodation:



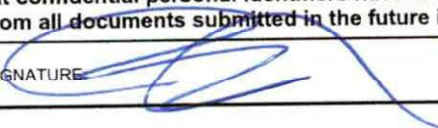
Will an interpreter be needed? NO
If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1.38-7(d)

11/07/2017
Dated

BRANDON JAMES BRODERICK
Signed

Appendix XII-B1

 <div style="text-align: center;"> CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule</i> 4:5-1 Pleading will be rejected for filing, under <i>Rule</i> 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed </div>		FOR USE BY CLERK'S OFFICE ONLY	
		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA	
		CHG/CK NO.	
		AMOUNT:	
		OVERPAYMENT:	
		BATCH NUMBER:	
ATTORNEY / PRO SE NAME Brandon J. Broderick, Esq., 00946-2006		TELEPHONE NUMBER (201) 853-1505	COUNTY OF VENUE Middlesex
FIRM NAME (if applicable) Brandon J. Broderick, Esq. LLC		DOCKET NUMBER (when available) MID-L-	
OFFICE ADDRESS 90 Main Street, Suite 201 Hackensack, NJ 07601		DOCUMENT TYPE Complaint	
		JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Maureen Garcia, Plaintiff		CAPTION Garcia vs. James, et al	
CASE TYPE NUMBER (See reverse side for listing) 603N	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ArcBest Corporation <input type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE?	
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule</i> 1:38-7(b).			
ATTORNEY SIGNATURE 			

Side 2



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE – PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE – PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE – PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT – OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|---|---|
| <ul style="list-style-type: none"> 271 ACCUTANE/ISOTRETINOIN 274 RISPERDAL/SEROQUEL/ZYPREXA 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL 282 FOSAMAX 285 STRYKER TRIDENT HIP IMPLANTS 286 LEVAQUIN 287 YAZ/YASMIN/OCELLA 289 REGLAN 290 POMPTON LAKES ENVIRONMENTAL LITIGATION 291 PELVIC MESH/GYNECARE | <ul style="list-style-type: none"> 292 PELVIC MESH/BARD 293 DEPUY ASR HIP IMPLANT LITIGATION 295 ALLODERM REGENERATIVE TISSUE MATRIX 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS 297 MIRENA CONTRACEPTIVE DEVICE 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR 300 TALC-BASED BODY POWDERS 601 ASBESTOS 623 PROPECIA 624 STRYKER LFIT CoCr V40 FEMORAL HEADS |
|---|---|

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category ☐ Putative Class Action ☐ Title 59